

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-19-03

WHEREAS, MARTINA BOREK, ET AL had applied to Community Zoning Appeals

Board 15 for the following:

AU to RU-1M(a)

SUBJECT PROPERTY: The west $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 25, Township 56 South, Range 39 East, less the north 35' for right-of-way. AND: PARCEL "A": The east $\frac{1}{2}$ of the east $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, Township 56 South, Range 39 East, A/K/A: The east 10 \pm Acres, of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, Township 56 South, Range 39 East. LESS PARCEL "C", described as follows:

All that part of the east $\frac{1}{2}$ of the east $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, Township 56 South, Range 39 East, lying SW/ly of the following described line to wit: From the center of said Section 25, bear to the N0°36' 07"W, along the east line of the NW $\frac{1}{4}$ of said Section 25, a distance of 1,346.07' to the Southeast corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 25; thence S88°15' 0"W, along the south line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 25, a distance of 185.99' to the Point of beginning of said Parcel "C"; thence run N45°37' 47"W, a distance of 128.79' to the Point of curvature of a circular curve to the right, having a central angle of 45°0' 0" and a radius of 210' ; thence run NW/ly, along the arc of said curve, a distance of 164.93' to the intersection thereof with the west line of the east $\frac{1}{2}$ of the east $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 25, and the end of the specifically described line. AND: PARCEL "B": A parcel of land in the east $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, Township 56 South, Range 39 East, being more particularly described as follows:

From the center of said Section 25, bear N0°36' 7"W along the east line of the NW $\frac{1}{4}$ of said Section 25, a distance of 1,036.36' to the Point of beginning of the parcel to be described (Parcel "B"); thence continued N0°36' 7"W along said east line, a distance of 309.71' to the Northeast corner of the east $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 25; thence run S88°15' 0"W along the north line of the east $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 25, a distance of 185.99' ; thence S45°37' 47"E, a distance of 142.66' to the Point of curvature of a circular curve to the right, having a central angle of 45°1' 40" and a radius of 290' ; thence run SE/ly along the arc of said curve, a distance of 227.91' to a Point of tangency and the Point of beginning.

LOCATION: Lying on the south side of S.W. 248 Street, lying east of Canal C-102N and approximately 60' west of theoretical S.W. 121 Court, A/K/A: 12110 S.W. 248 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 15 that the requested district boundary change to RU-1M(a) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied and said application was denied by Resolution No. CZAB15-11-03, and

WHEREAS, **MARTINA BOREK, ET AL** appealed the decision of Community Zoning Appeals Board 15 to the Board of County Commissioners, for the following:

AU to RU-1M(a)

SUBJECT PROPERTY: The west $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 25, Township 56 South, Range 39 East, less the north 35' for right-of-way. AND: PARCEL "A": The east $\frac{1}{2}$ of the east $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, Township 56 South, Range 39 East, A/K/A: The east 10 \pm Acres, of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, Township 56 South, Range 39 East. LESS PARCEL "C", described as follows:

All that part of the east $\frac{1}{2}$ of the east $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, Township 56 South, Range 39 East, lying SW/ly of the following described line to wit: From the center of said Section 25, bear to the N0°36' 07"W, along the east line of the NW $\frac{1}{4}$ of said Section 25, a distance of 1,346.07' to the Southeast corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 25; thence S88°15' 0"W, along the south line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 25, a distance of 185.99' to the Point of beginning of said Parcel "C"; thence run N45°37' 47"W, a distance of 128.79' to the Point of curvature of a circular curve to the right, having a central angle of 45°0' 0" and a radius of 210' ; thence run NW/ly, along the arc of said curve, a distance of 164.93' to the intersection thereof with the west line of the east $\frac{1}{2}$ of the east $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 25, and the end of the specifically described line. AND: PARCEL "B": A parcel of land in the east $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, Township 56 South, Range 39 East, being more particularly described as follows:

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radius of 290' ; thence run SE/ly along the arc of said curve, a distance of 227.91' to a Point of tangency and the Point of beginning.

LOCATION: Lying on the south side of S.W. 248 Street, lying east of Canal C-102N and approximately 60' west of theoretical S.W. 121 Court, A/K/A: 12110 S.W. 248 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. The Property.

- a. That this property shall be used only for uses permitted within the RU-1MA zoning district.
- b. That the residential density shall not exceed 6 dwelling units per acre.
- c. That prior to final zoning approval, the owner shall provide a 36-foot wide landscaped buffer along S.W. 248th Street.
- d. That prior to tentative plat approval, Owner shall submit a Declaration in Lieu of Unity of Title in a form and substance acceptable to the County.
- e. That prior to tentative plat approval, Owner shall submit a site plan to the Department and the Department shall review said site plan to assure compliance that the design and construction of the project is consistent with the Urban Design Manual and guideline for urban form as required by the Comprehensive Development Master Plan and consistent with the development in the area.

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 15 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons specified in the appeal were sufficient to merit a reversal of the ruling made by Community Zoning Appeals Board 15 in Resolution No CZAB15-11-03 and that the appeal should be approved and the decision of Community Zoning Appeals Board 15 should be overruled, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions and to grant the appeal and overrule the decision of Community Zoning Appeals Board 15 was offered by Commissioner Katy Sorenson, seconded by Commissioner Joe A. Martinez, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Jose "Pepe" Diaz	absent	Dorrian D. Rolle	aye
Betty T. Ferguson	aye	Natacha Seijas	absent
Sally A. Heyman	absent	Katy Sorenson	aye
Joe A. Martinez	aye	Rebeca Sosa	aye
Jimmy L. Morales	aye	Javier D. Souto	aye

Chairperson Barbara M. Carey-Shuler absent

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby granted and the decision of Community Zoning Appeals Board 15 is overruled.

BE IT FURTHER RESOLVED that Resolution No. CZAB15-11-03 is hereby null and void.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 11th day of September, 2003, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 03-5-CZ15-1
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By: KAY SULLIVAN
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 22ND DAY OF SEPTEMBER, 2003.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

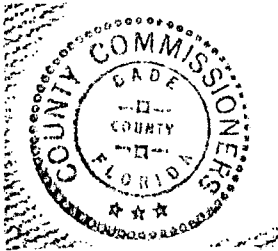
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-19-03 adopted by said Board of County Commissioners at its meeting held on the 11th day of September, 2003.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 22nd day of September, 2003.



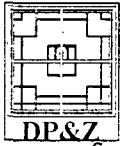
Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





STEPHEN P. CLARK CENTER



DEPARTMENT OF PLANNING AND ZONING
111 N.W. 1ST STREET
SUITE 1210
MIAMI, FLORIDA 33128-1972
(305) 375-2800

September 22, 2003

MARTINA BOREK, ET AL
c/o Tucker Gibbs
P.O. Box 1050
Miami, FL 33133

Re: Hearing No. 03-5-CZ15-1
Location: Lying on the south side of S.W. 248 Street, lying east of
Canal C-102N and approximately 60' west of theoretical S.W.
121 Court, A/K/A: 12110 S.W. 248 Street,
Miami-Dade County, Florida

Dear Appellant:

Enclosed herewith is Resolution No. Z-19-03, adopted by the Board of County Commissioners, which accepted the proffered Declaration of Restrictions, approved your appeal, and reversed the decision of Community Zoning Appeals Board 15 on the above-described property.

Once the use has been established, failure to maintain compliance with any of the required conditions will result in the immediate issuance of a civil violation notice for each condition violated. Each ticket issued will require payment of a daily monetary fine in the amount of \$500.00.

If there are any anticipated changes from the plan submitted for the hearing, a plot use plan should be submitted to this department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

Application for necessary permits and/or Certificate of Occupancy permits should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution.

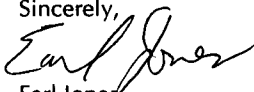
You are hereby advised that the decision of the Miami-Dade County Commission may be appealed by an aggrieved party within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. You are further advised that in the event that an appropriate appeal is timely filed in the Circuit Court any building permit sought or obtained shall be solely at the risk of the party obtaining said permit.

Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,


Earl Jones
Deputy Clerk

Enclosures